

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION**

SHARON GAIL STINES

v.

**MICHAEL J. ASTRUE,
Commissioner of Social Security.**

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Civil Action No. 5:09CV93

O R D E R

The Defendant, Michael J. Astrue, Commissioner of the Social Security Administration, has moved this Court, pursuant to sentence four of 42 U.S.C. § 405(g), to enter a judgment reversing his decision with a remand of the cause for further administrative proceedings.

On remand, the Administrative Law Judge (“ALJ”) will give Plaintiff the opportunity to respond to Dr. Arbella’s examination report and functional capacity assessment. The ALJ will also do the following: 1) evaluate the non-examining physician’s opinion, and determine what weight the opinion is entitled; 2) re-evaluate Plaintiff’s maximum residual functional capacity; 3) re-determine whether Plaintiff can return to her past relevant work; and 4) if necessary, obtain vocational expert testimony to determine whether there are other jobs in the national economy that Plaintiff can perform.

Pursuant to the power of this Court to enter a judgment reversing the Commissioner’s decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), this Court hereby **REVERSES** the Commissioner’s decision under sentence four of 42 U.S.C. § 405(g)

with a **REMAND** of the cause to the Commissioner for further proceedings. *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991).

Signed: November 30, 2009

A handwritten signature in black ink, reading "Richard L. Voorhees". The signature is written in a cursive style with a horizontal line underneath the name.

Richard L. Voorhees
United States District Judge

